

## **REMARKS**

Applicants respectfully request reconsideration of the rejections set forth in the final Office Action mailed on October 4, 2006.

Claims 1-20, 22-25, 27-33, 35-38, and 43-50 are canceled; claims 21, 26, 34, 39, 42, 51, and 54 are amended; and new claims 61-75 are added. The amendments to claims 21, 26, 34, 39, 42, 51, and 54 merely incorporate recitations of the canceled claims from which the amended claims depend into the amended claims.

New claims 61-75 correspond to canceled claims that depended from canceled claims. Those new claims have merely been rewritten to depend, directly or indirectly, from one of claims 21, 26, 34, 39, 42, 51, and 54. Specifically, the new claims correspond to the canceled claims as indicated in the following table.

<b>Old Claim</b>	<b>New Claim</b>
19	61
20	62
24	63
27	64
28	65
29	66
30	67
31	68
32	69
33	70
43	71
44	72

Old Claim	New Claim
45	73
46	74
47	75

No new matter is introduced by these amendments.

The present amendments are made solely to expedite prosecution and should not be construed as acquiescence in any ground of rejection. Applicants reserve the right to prosecute any non-elected subject matter in future continuation or divisional applications.

Upon entry of the present amendments claims 21, 26, 34, 39-42, and 51-75 are pending in this application.

Applicants thank Examiner Negin for the courtesy he extended to their undersigned representative during a telephone interview on January 3, 2007. During that interview the rejections for statutory double patenting and anticipation under 35 U.S.C. § 102(f) were discussed. A summary of the substance of that discussion is presented below when those rejections are addressed.

Claims 1-20, 22-25, 27-33, 35-38, 43-50, and 55 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over various references. Solely to expedite prosecution, Applicants have canceled claims 1-20, 22-25, 27-33, 35-38, and 43-50, thus obviating that basis of rejection as to those claims. Applicants have maintained claim 55, which depends from claim 54, which was not rejected for obviousness. Applicants submit that if claim 54 is patentable over the art then dependent claim 55 necessarily is too.

Applicants assume that the rejection of claim 55 was in error, and courteously request that the Examiner contact the undersigned to resolve this issue if their belief is in error.

New claims 61-75 depend from claims that the Office did not apply the § 103(a) rejection to. Accordingly, Applicants submit that those new claims are also patentable over the cited art.

Applicants respectfully request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Claims 1-60 were provisionally rejected for statutory double patenting over Application No. 10/563,613. During the telephone interview Examiner Negin indicated that this rejection could be overcome if Applicants expressly abandoned the '613 application. Applicants are filing a Notice of Express Abandonment in the '613 application concurrently with the filing of this amendment. In view of these circumstances Applicants request that the rejection for double patenting be withdrawn.

Claims 1-60 were also rejected under 35 U.S.C. § 102(f) over the '613 application. During the telephone interview Examiner Negin expressed concern that it was not clear from the record in the '613 application whether the inventive entity of that application is the same as the inventive entity of the instant application. In particular, Examiner Negin indicated that neither an Oath or Declaration, or an Application Data Sheet (ADS) had been filed in the '613 application.

As an initial matter, Applicants submit that the inventive entity of the '613 application and the instant application have always been the same, as indicated by a comparison of the Declaration filed in the instant application and the inventors named on the cover page of the '613 application when it was filed and named on the transmittal

under § 371 that was filed together with the '613 application. To allay the Examiner's concerns, Applicants have also filed an ADS in the '613 application concurrently with the filing of this amendment. That ADS indicates that the four inventors of the instant application are also the four inventors of the '613 application. In view of these circumstances Applicants request that the rejection under 35 U.S.C. § 102(f) be withdrawn.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 21, 26, 34, 39-42, and 51-75 in condition for allowance. Applicants submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 4, 2006

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